



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/037,914 | 01/02/2002 | Brant L. Candelore | SNY-R4646.03 | 7612 |

24337 7590 11/29/2005

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

| |
|----------|
| EXAMINER |
|----------|

SHIFERAW, ELENI A

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2136

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,914

Applicant(s)

CANDELORE ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37, 40-54, 56-63 and 65-112 is/are pending in the application.
- 4a) Of the above claim(s) 38, 39, 55 and 64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37, 40-54, 56-63 and 65-112 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/29/05, 10/28/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 19, 2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 66 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This claim has unfinished sentence "... wherein the unencrypted elementary data stream is modulated to" It is unclear what applicant wanted to claim "... modulated to **what??**"

Examiner rejected claim 66 according to claims submitted on May 9, 2005. Appropriate correction is required in response to this action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 11-15, 19-29, 35-37, 40, 42-48, 50-53, 86-88, 90, 96-100, and 104-106 rejected under 35 U.S.C. 102(e) as being anticipated by Carny et al. (Herein after Carny, US 2002/0150239 A1).

As per claims 1, 11-13, 20-22, 25, 86, 96-98, and 105-106, Carny discloses a method/signal/medium/system of encrypting a television signal, comprising:

encrypting data representing an audio/video portion of the television signal (0060; audio/video) according to a first encryption method to produce a first encrypted audio portion (claim1 lines 7-8, and 0049);

encrypting a duplicate of the data representing the audio/video portion of the television signal according to a second encryption method to produce a second encrypted audio portion (claim 1 lines 4-8, and par. 0053 lines 18-32, and fig. 2b elements B1: B1.1, B1.2, and B1.3);
and

combining the first encrypted audio portion and the second encrypted audio/video portion with an unencrypted video portion of the television signal to produce a multiple partially encrypted digital television signal (par. 0054; *encrypted portions are inserted back to the plain text of the audio/video data*); and

As per claims 28, 35, 42-46, and 50-53 Carny discloses a method/signal of decoding a partially encrypted television signal comprising:

receiving a television signal having a first encrypted audio portion, a second encrypted audio portion and a clear video portion, the first audio portion being identified by a first packet identifier (PID), and the second audio portion being identified by a second PID, the second audio portion comprising data that is duplicate of data contained in the first audio portion when the first and second audio portions are unencrypted (par. 0019, 0023, 0054, and 0059; *user receiver receives the audio data encrypted under a first and second encryption method and the unencrypted portion, and segments are identified, decrypted and decoded*);

discarding the second encrypted audio portion by PID filtering (claim 8, 0054, and 0059);

decrypting the first encrypted audio portion to produce a decrypted audio portion (claim 12, 0054, and 0059); and

decoding the decrypted audio portion and the clear video portion to produce a decoded signal (par. 0064 and claim 8).

As per claims 2, 14, 23, and 26, Carny discloses the method/signal wherein the encrypting comprises encrypting packets identified as audio packets (par. 0008).

As per claims 3, 15, 24, 27, 100, and 88, Carny discloses the method/signal complies with an MPEG standard, and wherein the first encrypted audio portion is comprised of packets identified by a first packet identifier (PID) (par. 0063-0064).

As per claims 5, 37, and 90, Carny discloses the method/signal, wherein the first encrypted audio portion is identified by a first packet identifier (PID) associated with a first decryption algorithm used for decrypting the first encrypted audio and second encrypted audio portion is identified by a second packet identifier (PID) associated with a second decryption algorithm used for decrypting the second encrypted audio portion (0059 and claim 21).

As per claims 19 and 104, Carny teaches the method, further comprising partially encrypting the unencrypted video portion of the television signal (par. 0010, 0049, and 0054; the audio/video data is selected and segmented i.e. partially encrypted).

As per claim 29, Carny teaches the digital television receiver device, wherein the receiver further receives and discards audio packets encrypted under a second encryption algorithm (claim 12, and par. 0055).

As per claims 36 and 47, Carny teaches the method, wherein the decoded signal is suitable for play on a television set (par. 0060).

As per claims 40 and 48 Carny teaches the method, wherein the first PID is a secondary PID and wherein the second PID is a primary PID (par. 0053 and fig. 2b; data is put in to multiple packets and some portions of the data is encrypted and transmitted to the decrypter and each portions of the data is identified and decrypted by the decrypter).

As per claims 87 and 99, Carney discloses the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as video packets (par. 0047).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 6, 7, 41, 49, 89, and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carny et al. (Herein after Carny, US 2002/0150239 A1), and further in view of Yasukawa et al. (Yasukawa, Patent Number: 5,999,622).

As per claims 4 and 89, Carny discloses all the subject matter as described above. Carny fails to explicitly disclose DSS and SCID.

However Yasukawa teaches wherein the digital television signal complies with a digital satellite service (DSS) transport standard, and wherein the audio packets are identified for encryption by a service channel identifier (SCID) (Yasukawa col. 4 lines 33-38).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the system of Carny because it would allow to transmit a stream of data portions, where some of the stream of the data portions

are encrypted and identify each portions of segmented data and (Yasukawa abstract).

As per claims 6 and 91-92, Carny and Yasukawa disclose all the subject matter as described above. In addition the combination disclose the method, wherein the first packet identifier and the second packet identifier are referenced as primary elementary PIDs in a program map table (PMT) and the second packet identifier is referenced as a secondary elementary packet identifier (Yasukawa col. 6 lines 30-59, and Fig. 6 & 7, and Carny claim 12).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Yasukawa within the system of Carny because it would allow to map and identify the portions of the television data.

As per claims 7, 41, and 49, Carny and Yasukawa disclose all the subject matter as described above. In addition the combination disclose the method, wherein the first packet identifier is referenced as a primary elementary PID in a program map table (PMT) and the second packet identifier is referenced as a secondary elementary PID in the program map table (PMT) (Carny claim 15 and Yasukawa col. 6 lines 30-59, and Fig. 6 & 7). The rational for combining are the same as claim 6 above.

8. Claims 8, 16, 93, and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carny et al. (Herein after Carny, US 2002/0150239 A1), and further in view of Guralnick et al. (Guralnick, Patent Number: 6,058,192).

As per claims 8, 16, 93, and 101 Carny discloses all the subject matter as described above. Carny fails to disclose one of a terrestrial broadcast system, satellite and a cable system.

However Guralnick teaches the method, wherein the first encrypted audio portion and the second encrypted audio portion are distributed over one of a terrestrial broadcast system, a satellite system and a cable system (Guralnick col. 6 lines 36-54, and col. 12 lines 38-47).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Carny because it would transmit the television signal to the user's set-top box.

9. Claims 9-10, 17-18, 30-34, 94-95, and 102-103 rejected under 35 U.S.C. 103(a) as being unpatentable over Carny et al. (Herein after Carny, US 2002/0150239 A1) in view of Kutner et al. (Kutner, US 6,246,720 B1).

As per claim 30, Carny teaches a cable system headend, comprising:

a first encryption system that encrypts data in audio packets using a first encryption algorithm (claim1 lines 7-8, and 0049);

a second encryption system that encrypts data in duplicates of said audio packets using a second encryption algorithm (claim 1 lines 4-8, and par. 0053 lines 18-32, and fig. 2b elements B1: B1.1, B1.2, and B1.3); and

means for distributing a stream of packets representing a dual partially encrypted television program over a cable television system, the stream of packets comprising video packets, audio packets encrypted under the first encryption algorithm, and duplicates of said

audio packets encrypted under the second encryption algorithm (claim 1 lines 3-8, and par. 0053 lines 18-32, and fig. 2b elements B1: B1.1, B1.2, and B1.3).

Carny fails to explicitly disclose system information packets.

However Kutner teaches the well known System Information (SI) and/or Elementary Stream (ES) of compressed audio/video content (col. 6 lines 19-42).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Kutner within the system of Carny because they are analogous in audio/video broadcast television information. One would have been motivated to incorporate the teachings of compressed SI and/or ES data within the teachings of Carny because it would have information for segmented digital contents according to MPEG-2 standard.

As per claims 9, 17, 94, and 102, Carny discloses all the subject matter as described above.

Carny fails to explicitly explain System Information.

However Kutner teaches the well known System Information (SI) and/or Elementary Stream (ES) of compressed audio/video content (col. 6 lines 19-42).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Kutner within the system of Carny because they are analogous in audio/video broadcast television information. One would have been motivated to incorporate the teachings of compressed SI and/or ES data within the teachings of Carny because it would have information for segmented digital contents according to MPEG-2 standard.

As per claims 10 and 95, Carny and Kutner disclose all the subject matter as described above. In addition, the combination teaches the method, further comprising combining encrypted system information with the video portion and first and second encrypted audio portions (Kutner col. 6 lines 19-42, and Carny par. 0054).

As per claims 18 and 103, Carny and Kutner disclose all the subject matter as described above. In addition, Kutner teaches encrypting the system information (Kutner abstract).

As per claims 31 and 32, Carny and Kutner teach all the subject matter as described above. In addition the combination teach the cable system headend, wherein the system information and/or video packets are unencrypted (Carny par. 0054, 0060; plain text, and Kutner col. 6 lines 19-42)

As per claim 33, Carny and Kutner teach all the subject matter as described above. In addition the Carny teaches the cable system headend, wherein the video packets are partially encrypted (claim 1).

As per claim 34, Carny and Kutner teach all the subject matter as described above. In addition the Kutner teaches the cable system headend, wherein the system information packets are encrypted (abstract).

10. Claims 54, 56, 58, 60-63, 65-66, 67-69, 72-73, 75-78, 80-85, 107-108, and 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel (WO 00/31964) in view of Carny et al. (Herein after Carny, US 2002/0150239 A1) and Kutner et al. (Kutner, US 6,246,720 B1).

As per claims 54, 61-63, 107, and 111-112 Carny discloses a signal/medium of encrypting a digital television signal, wherein the television signal includes an elementary data stream and digital television system information (SI), comprising:

encrypting data representing the SI under a first encryption system (page 6 par. 2-3, and fig. 1 and fig. 2a; *encrypting television data under a first encryption method*);

encrypting a data representing said SI under a second encryption system (page 6 par. 2-3, and fig. 1 and fig. 2a; *encrypting the second segmented television data under a second encryption system*);

forming a multiple partially encrypted digital television signal comprising:

the elementary data stream in an unencrypted form (Fig. 1 No. 101 and page 6 par. 2-3 & 6; *un-encrypting one of the segmented television data*); and

the SI encrypted under the first encryption system, and the SI encrypted under the second encryption system (page 6 par. 2-3, Fig. 1 No. 101, 103 and page 6 par. 2-3 & 6; *encrypting segmented television data under first and second multiple encryption method*).

Jandel does not explicitly disclose the second segment is a duplicate of the first segment data and encrypting a duplicate of the data.

However Carny discloses creating a plurality of duplicate copies of each television audio/video signal content segment and performing different encryption on the replicated data (par. 0028-0030 and claim 15).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Carny within the system of Jandel because they are analogous in security of television signal data. One would have been motivated to incorporate the teachings of Carny within the teachings of Jandel because it would cost less for the backward compatible decoding device (set-top box) to handle multiply encrypted digital content and enhance security.

Jandel and Carny do not explicitly disclose the television data being elementary stream and/or system information.

However Kutner teaches the well known System Information (SI) and/or Elementary Stream (ES) of compressed audio/video content (col. 6 lines 19-42).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Kutner within the combination system of Jandel and Carny because they are analogous in audio/video broadcast television information. One would have been motivated to incorporate the teachings of compressed SI and/or ES data within the teachings of Jandel and Carny because it would have information for segmented digital contents according to MPEG-2 standard.

As per claim 67, Carny teaches a television set-top box, comprising:

a receiver that receives a television signal comprising content and multiple encrypted digital television system information data comprising system information data encrypted under at least a first encryption method and a second encryption method (Jandel page 6 par. 4-6, and fig. 2b; *receiver receiving multiply encrypted television signal under first and second encryption method*);

a decrypter that decrypts the system information data encrypted under the first encryption method to create decrypted system information data (Jandel page 6 par. 4-6, and fig. 2b No. 253; *decrypter decrypting television signals encrypted under the first encryption method*); and

a decoder that decodes the content (Jandel page 6 par. 4-6, and fig. 2b No. 255).

Jandel does not explicitly disclose the second segment is a duplicate of the first segment data and encrypting a duplicate of the data.

However Carny discloses creating a plurality of duplicate copies of each television audio/video signal content segment and performing different encryption on the replicated data (par. 0028-0030 and claim 15).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Carny within the system of Jandel because they are analogous in security of television signal data. One would have been motivated to incorporate the teachings of Carny within the teachings of Jandel because it would cost less for the backward compatible decoding device (set-top box) to handle multiply encrypted digital content and enhance security.

Jandel and Carny do not explicitly disclose the television data being elementary stream and/or system information.

However Kutner teaches the well known System Information (SI) and/or Elementary Stream (ES) of compressed audio/video content (col. 6 lines 19-42).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Kutner within the combination system of Jandel and Carny because they are analogous in audio/video broadcast television information. One would have been motivated to incorporate the teachings of compressed SI and/or ES data within the teachings of Jandel and Carny because it would have information for segmented digital contents according to MPEG-2 standard.

As per claims 72, 76, and 81-83, Jandel discloses a method of encrypting a television signal, comprising:

encrypting data representing an elementary stream of the television signal according to a first encryption method to produce a first encrypted elementary stream (page 6 par. 2-3, and fig. 1 and fig. 2a; *encrypting television data under a first encryption method*); and

encrypting the data representing the elementary stream according to a second encryption method to produce a second encrypted elementary stream (page 6 par. 2-3, and fig. 1 and fig. 2a; *encrypting the second segmented television data under a second encryption system*); and

combining the first and second encrypted elementary streams with an unencrypted elementary stream to produce the encrypted television signal, wherein the unencrypted elementary stream is not a duplicate of the first and second elementary stream to produce a partially multiple encrypted television signal (Jandel page 6 par. 2-3 & 6, claims 1 & 6, and fig. 1 No. 105).

Jandel does not explicitly disclose the second segment is a duplicate of the first segment data and encrypting a duplicate of the data.

However Carny discloses creating a plurality of duplicate copies of each television audio/video signal content segment and performing different encryption on the replicated data (par. 0028-0030 and claim 15).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Carny within the system of Jandel because they are analogous in security of television signal data. One would have been motivated to incorporate the teachings of Carny within the teachings of Jandel because it would cost less for the backward compatible decoding device (set-top box) to handle multiply encrypted digital content and enhance security.

Jandel and Carny do not explicitly disclose the television data being elementary stream and/or system information.

However Kutner teaches the well known System Information (SI) and/or Elementary Stream (ES) of compressed audio/video content (col. 6 lines 19-42).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Kutner within the combination system of Jandel and Carny because they are analogous in audio/video broadcast television information. One would have been motivated to incorporate the teachings of compressed SI and/or ES data within the teachings of Jandel and Carny because it would have information for segmented digital contents according to MPEG-2 standard.

As pr claims 56 and 108, Jandel, Carny, and Kutner teach all the subject matter as described above. In addition Jandel teaches the method, wherein the partially multiple encrypted digital television signal further comprises the SI encrypted under the second encryption system (Jandel Fig. 1 No.105, and page 5 par. 1-2).

As pr claims 58, 60 and 110, Jandel, Carny, and Kutner teach all the subject matter as described above. In addition the combination Carny and Kutner teach the method, wherein the encrypted SI information is distributed in a different band than that used to distribute the elementary data stream in the unencrypted form (Carny par. 55, and Kutner col. 6 lines 19-42).

As pr claims 65 and 66, Jandel, Carny, and Kutner teach all the subject matter as described above. In addition the combination of Jandel and Kutner teach the apparatus, wherein the unencrypted elementary data stream is modulated to a first frequency band and wherein the first encrypted SI data are modulated to a second frequency band (Jandel abstract, and page 3 par. 2-3 and Kutner col. 6 lines 19-42).

As pr claim 68, Jandel, Carny, and Kutner teach all the subject matter as described above. In addition the combination of Jandel and Kutner teach the apparatus, wherein the content is decoded according to the decrypted system information (Jandel page 6 par. 4-6, and Kutner col. 6 lines 19-42).

As pr claim 69, Jandel, Carny, and Kutner teach all the subject matter as described above. In addition Kutner teaches the apparatus, wherein the system information includes channel identifier information for identifying the content (col. 3 lines 42-54).

As pr claim 73, Jandel, Carny, and Kutner teach all the subject matter as described above. In addition the combination of Jandel and Kutner teach the method, further comprising distributing an unencrypted video portion of the television signal along with the first and second encrypted elementary streams, wherein, the unencrypted video portion comprises the unencrypted elementary stream (Kutner col. 6 lines 19-42, and Jandel page 6 par. 3).

As per claims 75 and 78, Jandel, Carny, and Kutner disclose all the subject matter as described above. In addition Kutner discloses the method, wherein the digital television signal complies with an MPEG standard, and wherein the elementary stream packets are identified for encryption by a packet identifier (PID) (col. 3 lines 1-13).

As pr claims 77, and 80, Jandel, Carny, and Kutner teach all the subject matter as described above. In addition the combination of Jandel and Kutner teach the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as one of audio elementary stream packets, video elementary stream packets and system information elementary stream packets (Jandel Fig. 1 No. 103 & 105, and Kutner col. 6 lines 19-42). The rational for combining are the same as claim 57 above.

As per claim 84 Jandel, Carny, and Kutner teach all the subject matter as described above. In addition Jandel teaches the multiple selective encrypted electronic video signal, wherein the first encryption method comprises a legacy encryption method and wherein the second encryption method comprises a non-legacy encryption method (Jandel page 6 par. 6).

As pr claim 85, Jandel, Carny, and Kutner teach all the subject matter as described above. In addition Jandel teaches Jandel teach the multiple selective encrypted electronic video signal, wherein the first elementary stream comprises one a video, an audio and a system information elementary stream (Jandel Fig. 1 No. 101, 103, & 105).

11. Claims 57, 59, 74, 79, and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel (WO 00/31964) in view of Carny et al. (Herein after Carny, US 2002/0150239 A1) and Kutner et al. (Kutner, US 6,246,720 B1), and further in view of Guralnick et al. (Guralnick, Patent Number: 6,058,192).

As per claims 57, 59, 79 and 109, Jandel, Carny, and Kutner teach all the subject matter as described above. Jandel, Carny, and Kutner do not explicitly teach one of the following distribution method: a cable system, a terrestrial broadcast system and satellite system.

However Guralnick discloses the method, further comprising distributing the partially encrypted television signal over one of the following: a cable system, a terrestrial broadcast system and satellite system (Guralnick col. 6 lines 36-54, and col. 12 lines 38-47).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Guralnick within the system of Jandel, Carny and Kutner because it would allow the distribute the television signal to television set top box.

As per claim 74, Jandel, Carny, Kutner and Guralnick teach all the subject matter as described above. In addition, both Jandel and Guralnick teach the method, wherein the television signal is a digital television signal, and wherein the encrypting comprises encrypting packets identified as one of audio elementary stream packets, video elementary stream packets and system information elementary stream packets (Jandel page 6 par. 2-6, and Guralnick col. 3 lines 31-47). The rational for combining are the same as claim 57 above.

12. Claims 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandel (WO 00/31964) in view of Carny et al. (Herein after Carny, US 2002/0150239 A1) and Kutner et al. (Kutner, US 6,246,720 B1), and further in view of Applicant Admitted Prior Art (AAPA).

As per claim 70 Jandel, Carny, and Kutner teach all the subject matter as described above. Jandel, Carny, and Kutner does not explicitly teach an out of band receiver.

However AAPA teaches the apparatus, wherein the system information is received in an out of band receiver (AAPA page 3 lines 4-6).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of AAPA within the system of Jandel, Carny, and Kutner because it would receive information.

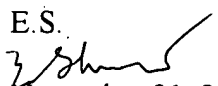
13. As per claim 71 Jandel, Carny, Kutner and AAPA teach the subject matter as described above. In addition, AAPA discloses the apparatus, wherein the system information is received in an in-band receiver (AAPA page 3 lines 4-6). The rationale for combining are the same as claim 70 above.


Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.S.

November 21, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100